

2025.11.11

2.8 Deputy Sir P.M. Bailhache of St. Clement of the Chair of the Privileges and Procedures Committee regarding Children's Rights Impact Assessments (OQ.242/2025):

Will the chair explain why, notwithstanding that the Children (Convention Rights) (Jersey) Law 2022 requires a Children's Rights Impact Assessment (C.R.I.A.) to be produced only where a proposition may have a direct or indirect impact on children, the States Greffe continues to expend resources in asking that a C.R.I.A. be provided with each proposition?

Deputy S.M. Ahier of St. Helier of St. Helier North (Chair, Privileges and Procedures Committee):

I am grateful to the Deputy for this question and apologise that it has taken such a long time for P.P.C. (Privileges and Procedures Committee) to respond fully to an issue he first raised with the committee before the summer recess. The Deputy is correct that to date a C.R.I.A. has been requested for each proposition or amendment to be lodged, unless it is explicitly exempt from the requirement in accordance with the Children Convention Rights Law. However, I can confirm that this process will change. I am conscious this may be news to Members. The States Greffe will, therefore, circulate guidance about the new process. Essentially, in future a C.R.I.A. will only be required for lodging purposes where the proposition or amendment is considered to have an impact on children. If the proposer's conclusion is that the proposition has no impact on children, there will be no requirement to prepare a C.R.I.A., although a statement will be included in the accompanying report to state that fact. There has been no change to the list of propositions that are exempt from the requirement for a C.R.I.A., even when it is thought the proposition may have an impact on children. Following the Deputy's initial approach to P.P.C. on this subject, the committee has considered this matter and engaged with the Government in order to confirm the application of the law and the process that should apply to lodging. That is why it has taken some time to make this change.

Deputy P.M. Bailhache:

I am very grateful to the Chairman and his response.

2.8.1 Deputy S.Y. Mézec of St. Helier South:

Does the chair of P.P.C. regard it as important that States Members continue to place great importance on the findings of the Independent Jersey Care Inquiry and its examination of past failings of leaders to put children first? If he does so, would he agree that requiring States Members to have regard for their obligations to children in our society and demonstrating that through the production of a Children's Rights Impact Assessment is not too much to ask?

Deputy S.M. Ahier:

Absolutely, I concur with what the Deputy has said entirely. I obviously agree that a C.R.I.A. should be included where they are absolutely necessary under the law. But I would like to mention that obviously sometimes C.R.I.A.s have been applied, for example, there is P.99, the Draft Taxation (International Tax Compliance) (Crypto-Asset Reporting Framework) as an example whereby a C.R.I.A. has been supplied and obviously that was not necessary in that instance.

2.8.2 Deputy S.Y. Mézec:

In what Members have been sent about prospective changes to how this works, and the chair please correct me if I have misinterpreted this, but my interpretation of what I read was that the first stage in this would require the States Member bringing a proposition themselves to determine whether further exploration of a Children's Rights Impact Assessment is necessary. That may be obvious in the kind of cases that the chair has just referenced. But if ever a dispute arose and perhaps a Member did not have regard when the wider view is that they ought to have had regard, is there any safeguard in that to require a States Member to think again if they have inappropriately decided in the first instance that it is not right to do a C.R.I.A.?

Deputy S.M. Ahier:

Yes, there are 2 parts; obviously the screening stage in the full C.R.I.A. and in the screening stage: “The duty-bearer can generally conduct screening based on existing information and their own knowledge and expertise.” Yes, the interpretation will be by the duty-bearer who is bringing the proposition. But as the law stands there is no way that we can instruct that person to incorporate a C.R.I.A. at this point in time, unless of course there was a change or an amendment to the law brought forward by the Government.

2.8.3 Deputy L.M.C. Doublet of St. Saviour:

I am just reading the information that Deputy Mézec referred to. I am quite astonished that this has only come in 15 minutes before the question and I had no idea that this was happening. As the States Member who brought this proposition, I would ask the chair of P.P.C. why there was not wider consultation before this making change? Also, will there be any changes to legislation required to bring this in?

Deputy S.M. Ahier:

When you say would there be any changes to be brought by P.P.C. to bring this in; no, we are applying the law as the law is written. There was no requirement for consultation to apply the law. We have made the interpretation, as Deputy Bailhache has so rightly pointed out, to have the law interpreted in the correct fashion. The release of the information this morning with the template, obviously we have only received this information recently. We had been working on it for most of the summer. We decided to inform Deputy Bailhache in the first instance and thereafter we informed all States Members and that happened to coincide with today’s question.

2.8.4 Deputy L.M.C. Doublet:

Was the Children’s Commissioner consulted or any discussions had with her and what was her view?

Deputy S.M. Ahier:

P.P.C. did not consult the Children’s Commissioner with the interpretation of the law, no.

2.8.5 Deputy J. Renouf of St. Brelade:

I think I heard correctly that the guidance going forward will be that if there is no impact on children, then a C.R.I.A. will not be provided. I wonder if the Deputy could provide some clarification on that because by some readings there will always be an impact at some level on children as a result of activities in this Assembly. I just wondered, what is meant by “no impact”? Is it that there is no specific impact on children? Because drawing it as no impact seems to me to be quite wide.

Deputy S.M. Ahier:

Obviously I mentioned the crypto-currency assets but we also have obviously schedule 2 of the 2022 Law which states the other exemptions. One could argue that there are plenty of those that would directly or indirectly affect children but they are excluded.

2.8.6 Deputy R.J. Ward of St. Helier Central:

Can I ask the chair of P.P.C., does P.P.C. recognise the significant support given by the Greffe in the production of C.R.I.A.s and the fact that they are a positive move to just increase our understanding of the impact of the decisions that we make in this Assembly?

Deputy S.M. Ahier:

Yes, indeed, Deputy. I do accept the support of the Greffe in all the decisions that are made.

[10:30]

2.8.7 Deputy R.J. Ward:

Further, part of that support is the understanding from Members that it is our decision on our belief on the impact on children; that is the key part of the screening process. Much of what we have talked about

here already exists; it is our decision as States Members as to what we believe the impact will be on children and this enables us to look more clearly at that. Would the chair of P.P.C. agree with that and, if so, perhaps to reiterate that to Members?

Deputy S.M. Ahier:

Yes, indeed, I agree entirely with what the Deputy has said. Yes, it is important to follow the guidance. The guidance has been sent out and there is a template and obviously we need to follow the guidance. I am quite confident that all duty-bearers will be able to follow that guidance quite clearly.

2.8.8 Deputy I. Gardiner of St. Helier North:

I noted there is no formal requirement on the consultation but I believe this particular decision could involve some engagement with the States Members. Saying this, would any communications have been done with the Minister for Children and Families?

Deputy S.M. Ahier:

Yes, that was a similar question that I was asked before. We had consultation obviously with Deputy Bailhache, who obviously opposed the committee in the first instance. We are not changing the law in any way. We are just interpreting the law correctly. There was no need for consultation with the Children's Commissioner.

2.8.9 Deputy I. Gardiner:

I did not ask about the Children's Commissioner. I believe when we are changing guidance, was any engagement done with the Minister for Children and Families?

Deputy S.M. Ahier:

I beg your pardon, I misheard. No, there was no direct engagement with the Minister for Children and Families.